

## Attachment 1

### List of Subjects

#### 9 CFR Part 93

Animal diseases, Imports, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements.

#### 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

#### 9 CFR Part 95

Animal feeds, Hay, Imports, Livestock, Reporting and recordkeeping requirements, Straw, Transportation.

#### 9 CFR Part 96

Imports, Livestock, Reporting and recordkeeping requirements.

Accordingly, we are amending 9 CFR parts 93, 94, 95, and 96 as follows:

#### PART 93--IMPORTATION OF CERTAIN ANIMALS, BIRDS, AND POULTRY, AND CERTAIN ANIMAL, BIRD, AND POULTRY PRODUCTS; REQUIREMENTS FOR MEANS OF CONVEYANCE AND SHIPPING CONTAINERS

1. The authority citation for part 93 continues to read as follows:

Authority: 7 U.S.C. 1622 and 8301-8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

2. Section 93.400 is amended by revising the definitions of flock and inspector and adding definitions of as a group, **bovine**, **bovine spongiform encephalopathy** (BSE) **minimal risk** region, camelid, cervid, designated feedlot, positive for a transmissible **spongiform encephalopathy**, premises of origin, State representative, suspect for a transmissible **spongiform encephalopathy**, and USDA representative, in alphabetical order, to read as follows:



Sec. 93.400 Definitions.

\* \* \* \* \*

As a group. Collectively, in such a manner that the identity of the animals as a unique group is maintained. **Bovine**. Bos taurus, Bos indicus, and Bison bison.

**Bovine spongiform encephalopathy (BSE) minimal risk** region. A region listed in Sec. 94.18(a)(3) of this subchapter.

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Camelid. All species of the family Camelidae, including camels, llamas, alpacas, and vicunas.

\* \* \* \* \*

Cervid. All members of the family Cervidae and hybrids, including deer, elk, moose, caribou, reindeer, and related species.

\* \* \* \* \*

Designated feedlot. A feedlot that has been designated by the Administrator as one that is eligible to receive sheep and goats imported from a BSE **minimal-risk** region and whose owner or legally responsible representative has signed an agreement in accordance with Sec. 93.419(d)(8) of this subpart to adhere to, and is in compliance with, the requirements for a designated feedlot.

\* \* \* \* \*

Flock. Any group of one or more sheep maintained on common ground; or two or more groups of sheep under common ownership or supervision on two or more premises that are geographically separated, but among which there is an interchange or movement of animals.

\* \* \* \* \*

Inspector. Any individual authorized by the Administrator of APHIS or the Commissioner of Customs and Border Protection, Department of Homeland Security, to enforce the regulations in this subpart.

\* \* \* \* \*

Positive for a transmissible **spongiform encephalopathy**. A sheep or goat for which a diagnosis of a transmissible **spongiform encephalopathy** has been made.

Premises of origin. Except as otherwise used in Sec. 93.423 of this subpart, the premises where the animal was born.

\* \* \* \* \*



State representative. A veterinarian or other person employed in livestock sanitary work by a State or political subdivision of a State who is authorized by such State or political subdivision of a State to perform the function involved under a memorandum of understanding with APHIS.

Suspect for a transmissible **spongiform encephalopathy**. (1) A sheep or goat that has tested positive for a transmissible **spongiform encephalopathy** or for the proteinase resistant protein associated with a transmissible **spongiform encephalopathy**, unless the animal is designated as positive for a transmissible **spongiform encephalopathy**;  
or

(2) A sheep or goat that exhibits any of the following signs and that has been determined to be suspicious for a transmissible **spongiform encephalopathy** by a veterinarian: Weight loss despite retention of appetite; behavior abnormalities; pruritus (itching); wool pulling; biting at legs or side; lip smacking; motor abnormalities such as incoordination, high stepping gait of forelimbs, bunny hop movement of rear legs, or swaying of back end; increased sensitivity to noise and sudden movement; tremor, ``star gazing," head pressing, recumbency, or other signs of neurological disease or chronic wasting.

\* \* \* \* \*

USDA representative. A veterinarian or other individual employed by the United States Department of Agriculture who is authorized to perform the services required by this part.

\* \* \* \* \*

3. Section 93.405 is amended as follows:

a. A new paragraph (a)(4) is added to read as set forth below.

b. In paragraphs (b)(2) introductory text, (c)(2), and (c)(3) the phrase ``Australia, Canada, and New Zealand" is removed and the phrase ``Australia and New Zealand" is inserted in its place.

c. In paragraph (c)(3), the phrase ``Australia, Canada, New Zealand, or the United States" is removed and the phrase ``Australia, New Zealand, or the United States" is added in its place.

d. The Office of Management and Budget citation at the end of the section is revised to read as set forth below.



Sec. 93.405 Certificate for ruminants.

(a) \* \* \*

(4) If the ruminants are bovines, sheep, or goats from **regions** listed as BSE **minimal-risk regions** in Sec. 94.18(a)(3) of this subchapter, the certificate must also include the name and address of the importer; the species, breed, and number or quantity of ruminants to be imported; the purpose of the importation; individual ruminant identification, which includes the eartag required under Sec. 93.419(d)(2) or Sec. 93.436(b)(4) of this subchapter, and any other identification present on the animal, including registration number, if any; a description of the ruminant, including name, age, color, and markings, if any; region of origin; the address of or other means of identifying the premises of origin and any other premises where the ruminants resided immediately prior to export, including the State or its equivalent, the municipality or nearest city, or an equivalent method, approved by the Administrator, of identifying the location of the premises, and the specific physical location of the feedlot where the ruminants are to be moved after importation; the name and address of the exporter; the port of embarkation in the foreign region; and the mode of transportation, route of travel, and port of entry in the United States.

\* \* \* \* \*

(Approved by the Office of Management and Budget under control numbers 0579-0040, 0579-0165, and 0579-0234)

4. In Sec. 93.419, new paragraphs (c) and (d) are added to read as follows:

Sec. 93.419 Sheep and goats from Canada.

\* \* \* \* \*

(c) Any sheep or goats imported from Canada must be less than 12 months of age when imported into the United States and when slaughtered, and must be from a flock or herd subject to a ruminant feed ban equivalent to the requirements established by the U.S. Food and Drug Administration at 21 CFR 589.2000. The animals must be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government that states that the conditions of this paragraph have been met. Additionally, for sheep and goats imported for other than immediate slaughter, the certificate must state that the conditions of paragraphs (d)(1) and (d)(2) of this section have been met. For sheep and goats imported for immediate slaughter, the certificate must also state that:

(1) The animals have not tested positive for and are not suspect for a transmissible **spongiform encephalopathy**.



(2) The animals have not resided in a flock or herd that has been diagnosed with BSE; and

(3) The animals' movement is not restricted within Canada as a result of exposure to a transmissible **spongiform encephalopathy**.

(d) Imported for feeding. Any sheep or goats imported from Canada for feeding at a feedlot must be imported only through a port of entry listed in Sec. 93.403(b) or as provided for in Sec. 93.403(f) in a means of conveyance sealed in the region of origin with seals of the national government of the region of origin, must be moved directly as a group from the port of entry to a designated feedlot, must not be commingled with any sheep or goats that are not being moved directly to slaughter from the designated feedlot at less than 12 months of age, and must meet the following conditions:

(1) The sheep and goats must be permanently and humanely identified before arrival at the port of entry with a distinct and legible "C" mark, properly applied with a freeze brand, hot iron, or other method, and easily visible on the live animal and on the carcass before skinning. The mark must be not less than 1 inch or more than 1 1/4 inches high. Other means of permanent identification may be used upon request if deemed adequate by the Administrator to humanely identify the animal in a distinct and legible way as having been imported from Canada;

(2) Each sheep and goat must be individually identified by an official Canadian Food Inspection Agency eartag, applied before the animal's arrival at the port of entry into the United States, that is determined by the Administrator to meet standards equivalent to those for official eartags in the United States as defined in Sec. 71.1 of this chapter and to be traceable to the premises of origin of the animal. No person may alter, deface, remove, or otherwise tamper with the individual identification while the animal is in the United States or moving into or through the United States, except that the identification may be removed at the time of slaughter;

(3) The animals may be moved from the port of entry only to a feedlot designated in accordance with paragraph (d)(8) of this section and must be accompanied from the port of entry to the designated feedlot by APHIS Form VS 17-130 or other movement documentation deemed acceptable by the Administrator, which must identify the physical location of the feedlot, the individual responsible for the movement of the animals, and the individual identification of each animal, which includes the eartag required under paragraph (d)(2) of this section and any other identification present on the animal, including registration number, if any;

(4) The seals of the national government of Canada must be broken only at the port of entry by the APHIS port veterinarian or at the designated feedlot by an accredited veterinarian or a State or USDA representative or his or her designee. If the seals are broken by the APHIS port veterinarian at the port of entry, the means of conveyance must be resealed with seals of the U.S. Government before being moved to the designated feedlot;



(5) The animals must remain at the designated feedlot until transported to a recognized slaughtering establishment. The animals must be moved directly to the recognized slaughtering establishment in a means of conveyance sealed with seals of the U.S. Government by an accredited veterinarian or a State or USDA representative. The seals must be broken only at the recognized slaughtering establishment by a USDA representative;

(6) The animals must be accompanied to the recognized slaughtering establishment by APHIS Form VS 1-27 or other documentation deemed acceptable by the Administrator, which must identify the physical location of the recognized slaughtering establishment, the individual responsible for the movement of the animals, and the individual identification of each animal, which includes the eartag required under paragraph (d)(2) of this section and any other identification present on the animal, including registration number, if any;

(7) The animals must be less than 12 months of age when slaughtered;

(8) To be approved to receive sheep or goats imported for feeding, a feedlot must have signed a written agreement with the Administrator stating that the feedlot:

(i) Will not remove eartags from animals unless medically necessary, in which case another eartag or other form of official identification, as defined in Sec. 79.1 of this chapter, will be applied and cross referenced in the records;

(ii) Will monitor all incoming imported feeder animals to ensure that they have the required "C" brand;

(iii) Will maintain records of the acquisition and disposition of all imported sheep and goats entering the feedlot, including the Canadian Food Inspection Agency tag number and all other identifying information, the age of each animal, the date each animal was acquired and the date each animal was shipped to slaughter, and the name and location of the plant where each animal was slaughtered. For Canadian animals that die in the feedlot, the feedlot will remove its eartag and place it in a file along with a record of the disposition of the carcass;

(iv) Will maintain copies of the APHIS Forms VS 17-130 and VS 1-27 or other movement documentation deemed acceptable by the Administrator that have been issued for incoming animals and for animals moved to slaughter and that list the official identification of each animal;

(v) Will allow State and Federal animal health officials access to inspect its premises and animals and to review inventory records and other required files upon request;

(vi) Will keep required records for at least 5 years;



(vii) Will designate either the entire feedlot or pens within the feedlot as terminal for sheep and goats to be moved only directly to slaughter at less than 12 months of age, and

(viii) Agrees that if inventory cannot be reconciled or if animals are not moved to slaughter as required the approval of the feedlot will be immediately withdrawn.

(Approved by the Office of Management and Budget under control numbers 0579-0040 and 0579-0234)

5. Section 93.420 is revised to read as follows:

Sec. 93.420 Ruminants from Canada for immediate slaughter.

(a) Ruminants imported from Canada for immediate slaughter must be imported only through a port of entry listed in Sec. 93.403(b) or as provided for in Sec. 93.403(f) in a means of conveyance sealed in Canada with seals of the Canadian Government, and must be moved directly as a group from the port of entry to a recognized slaughtering establishment for slaughter as a group. The seals must be broken only at the port of entry by the APHIS port veterinarian or at the recognized slaughtering establishment by an accredited veterinarian or a State or USDA representative or his or her designee. If the seals are broken by the APHIS port veterinarian at the port of entry, the means of conveyance must be resealed with seals of the U.S. Government before being moved to the recognized slaughtering establishment. The shipment must be accompanied from the port of entry to the recognized slaughtering establishment by APHIS Form VS 17-33, which shall include the location of the recognized slaughtering establishment. Such ruminants shall be inspected at the port of entry and otherwise handled in accordance with Sec. 93.408.

(b) In addition to meeting the requirements of paragraph (a) of this section, sheep and goats imported from Canada for immediate slaughter must meet the requirements of Sec. 93.419(c) as well as the following conditions:

(1) The animals have not tested positive for and are not suspect for a transmissible **spongiform encephalopathy**;

(2) The animals have not resided in a flock or herd that has been diagnosed with BSE; and

(3) The animals' movement is not restricted within Canada as a result of exposure to a transmissible **spongiform encephalopathy**.



6. An undesignated center heading ``Additional General Provisions'' is added preceding reserved Sec. 93.430.

6a. A new Sec. 93.436 is added to subpart D to read as follows:

Sec. 93.436 Ruminants from **regions of minimal risk** for BSE.

The importation of ruminants from **regions** listed in Sec. 94.18(a)(3) of this subchapter is prohibited, unless the conditions of this section and any other applicable conditions of this part are met. Once the ruminants are imported, if they do not meet the conditions of this section, they must be disposed of as the Administrator may direct.

(a) Bovines for immediate slaughter. Bovines from a region listed in Sec. 94.18(a)(3) of this subchapter may be imported for immediate slaughter under the following conditions:

(1) The bovines must be less than 30 months of age when imported into the United States and when slaughtered;

(2) The bovines must have been subject to a ruminant feed ban equivalent to the requirements established by the U.S. Food and Drug Administration at 21 CFR 589.2000;

(3) The bovines must be accompanied by a certificate issued by a full-time salaried veterinary officer of the national government of the region of origin, or issued by a veterinarian designated or accredited by the national government of the region of origin and endorsed by a full-time salaried veterinary officer of the national government of the region of origin, representing that the veterinarian issuing the certificate was authorized to do so, and the certificate states that the conditions of paragraphs (a)(1) and (a)(2) of this section have been met;

(4) The bovines must be imported only through a port of entry listed in Sec. 93.403(b) or as provided for in Sec. 93.403(f) in a means of conveyance sealed in the region of origin with seals of the national government of the region of origin, and must be moved directly as a group from the port of entry to a recognized slaughtering establishment. The seals must be broken only at the port of entry by the APHIS port veterinarian or at the recognized slaughtering establishment by a USDA representative. If the seals are broken by the APHIS port veterinarian at the port of entry, the means of conveyance must be resealed with seals of the U.S. Government before being moved to the recognized slaughtering establishment;

(5) The bovines must be accompanied from the port of entry to the recognized slaughtering establishment by APHIS Form VS 17-33; and



(6) At the recognized slaughtering establishment, the bovines must be slaughtered as a group.

(b) Bovines for feeding. Bovines from a region listed in Sec. 94.18(a)(3) of this subchapter may be imported for movement to a feedlot and then to slaughter under the following conditions:

(1) The bovines must be less than 30 months of age when imported into the United States;

(2) The bovines must have been subject to a ruminant feed ban equivalent to the requirements established by the U.S. Food and Drug Administration at 21 CFR 589.2000;

(3) The bovines must be permanently and humanely identified before arrival at the port of entry with a distinct and legible mark identifying the exporting country, properly applied with a freeze brand, hot iron, or other method, and easily visible on the live animal and on the carcass before skinning. The mark must be not less than 2 inches nor more than 3 inches high, and must be applied to each animal's right hip, high on the tail-head (over the junction of the sacral and first coccygeal vertebrae). Other means of permanent identification may be used upon request if deemed adequate by the Administrator to humanely identify the animal in a distinct and legible way as having been imported from the BSE **minimal-risk** exporting region. Bovines exported from Canada must be so marked with "CAN;"

(4) Each **bovine** must be individually identified by an official eartag of the country of origin, applied before the animal's arrival at the port of entry into the United States, that is determined by the Administrator to meet standards equivalent to those for official eartags in the United States as defined in Sec. 71.1 of this chapter and to be traceable to the premises of origin of the animal. No person may alter, deface, remove, or otherwise tamper with the individual identification while the animal is in the United States or moving into or through the United States, except that the identification may be removed at the time of slaughter;

(5) The bovines must be accompanied by a certificate issued in accordance with Sec. 93.405 that states, in addition to the statements required by Sec. 93.405, that the conditions of paragraphs (b)(1) through (b)(4) of this section have been met;

(6) The bovines must be imported only through a port of entry listed in Sec. 93.403(b) or as provided for in Sec. 93.403(f) in a means of conveyance sealed in the region of origin with seals of the national government of the region of origin, and must be moved directly from the port of entry as a group to the feedlot identified on the APHIS VS Form 17-130 or other movement documentation required under paragraph (b)(8) of this section;



(7) The seals of the national government of the region of origin must be broken only at the port of entry by the APHIS port veterinarian or at the feedlot by an accredited veterinarian or a State or USDA representative or his or her designee. If the seals are broken by the APHIS port veterinarian at the port of entry, the means of conveyance must be resealed with seals of the U.S. Government before being moved to the feedlot;

(8) The bovines must be accompanied from the port of entry to the feedlot by APHIS Form VS 17-130 or other movement documentation deemed acceptable by the Administrator, which must identify the physical location of the feedlot, the individual responsible for the movement of the animals, and the individual identification of each animal, which includes the eartag required under paragraph (b)(4) of this section and any other identification present on the animal, including registration number, if any;

(9) The bovines must remain at the feedlot until transported from the feedlot to a recognized slaughtering establishment for slaughter;

(10) The bovines must be moved directly from the feedlot identified on APHIS Form VS 17-130 to a recognized slaughtering establishment in conveyances that must be sealed at the feedlot with seals of the U.S. Government by an accredited veterinarian or a State or USDA representative. The seals may be broken only at the recognized slaughtering establishment by a USDA representative.

(11) The bovines must be accompanied from the feedlot to the recognized slaughtering establishment by APHIS Form VS 1-27 or other movement documentation deemed acceptable by the Administrator, which must identify the physical location of the recognized slaughtering establishment, the individual responsible for the movement of the animals, and the individual identification of each animal, which includes the eartag required under paragraph (b)(4) of this section and any other identification present on the animal, including registration number, if any; and

(12) The bovines must be less than 30 months of age when slaughtered.

(c) Sheep and goats for immediate slaughter. Sheep and goats from a region listed in Sec. 94.18(a)(3) of this subchapter may be imported for immediate slaughter under the conditions set forth in this subpart for such sheep and goats. The conditions for the importation of sheep and goats from Canada for immediate slaughter are set forth in Sec. Sec. 93.419(c) and 93.420.

(d) Sheep and goats for feeding. Sheep and goats from a region listed in Sec. 94.18(a)(3) of this subchapter may be imported for other than immediate slaughter under the conditions set forth in this subpart for such sheep and goats. The conditions for the importation of sheep and goats from Canada for other than immediate slaughter are set forth in Sec. Sec. 93.405 and 93.419.



(e) Cervids. There are no BSE-related restrictions on the importation of cervids from a region listed in Sec. 94.18(a)(3) of this subchapter.

(f) Camelids. There are no BSE-related restrictions on the importation of camelids from a region listed in Sec. 94.18(a)(3) of this subchapter.

(Approved by the Office of Management and Budget under control number 0579-0234)

PART 94-RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, CLASSICAL SWINE FEVER, AND **BOVINE SPONGIFORM ENCEPHALOPATHY**: PROHIBITED AND RESTRICTED IMPORTATIONS

7. The authority citation for part 94 continues to read as follows:

Authority: 7 U.S.C. 450, 7701-7772, and 8301-8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

8. Section 94.0 is amended by revising the definitions of authorized inspector and cervid and adding new definitions of **bovine**, **bovine spongiform encephalopathy** (BSE) **minimal-risk** region, Food Safety and Inspection Service, personal use, positive for a transmissible **spongiform encephalopathy**, specified **risk** materials (SRMs), and suspect for a transmissible **spongiform encephalopathy**, in alphabetical order, to read as follows:

Sec. 94.0 Definitions.

\* \* \* \* \*

Authorized inspector. Any individual authorized by the Administrator of APHIS or the Commissioner of Customs and Border Protection, Department of Homeland Security, to enforce the regulations in this part.

\* \* \* \* \*

**Bovine.** Bos taurus, Bos indicus, and Bison bison.

**Bovine spongiform encephalopathy** (BSE) **minimal-risk** region. A region that:

(1) Maintains, and, in the case of **regions** where BSE was detected, had in place prior to the detection of BSE in an indigenous ruminant, **risk** mitigation measures adequate to prevent widespread exposure and/or establishment of the disease. Such measures include the following:

(i) Restrictions on the importation of animals sufficient to minimize the possibility of infected ruminants being imported into the region, and on the importation of animal products and animal feed containing ruminant protein sufficient to minimize the possibility of ruminants in the region being exposed to BSE;



(ii) Surveillance for BSE at levels that meet or exceed recommendations of the World Organization for Animal Health (Office International des Epizooties) for surveillance for BSE; and

(iii) A ruminant-to-ruminant feed ban that is in place and is effectively enforced.

(2) In **regions** where BSE was detected, conducted an epidemiological investigation following detection of BSE sufficient to confirm the adequacy of measures to prevent the further introduction or spread of BSE, and continues to take such measures.

(3) In **regions** where BSE was detected, took additional **risk** mitigation measures, as necessary, following the BSE outbreak based on **risk** analysis of the outbreak, and continues to take such measures.

Cervid. All members of the family Cervidae and hybrids, including deer, elk, moose, caribou, reindeer, and related species.

\* \* \* \* \*

Food Safety and Inspection Service. The Food Safety and Inspection Service (FSIS) of the United States Department of Agriculture.

\* \* \* \* \*

Personal use. Only for personal consumption or display and not distributed further or sold.

\* \* \* \* \*

Positive for a transmissible **spongiform encephalopathy**. A sheep or goat for which a diagnosis of a transmissible **spongiform encephalopathy** has been made.

\* \* \* \* \*

Specified **risk** materials (SRMs). Those **bovine** parts considered to be at particular **risk** of containing the **bovine spongiform encephalopathy** (BSE) agent in infected animals, as listed in the FSIS regulations at 9 CFR 310.22(a).

Suspect for a transmissible **spongiform encephalopathy**. (1) A sheep or goat that has tested positive for a transmissible **spongiform encephalopathy** or for the proteinase resistant protein associated with a transmissible **spongiform encephalopathy**, unless the animal is designated as positive for a transmissible **spongiform encephalopathy**; or

(2) A sheep or goat that exhibits any of the following signs and that has been determined to be suspicious for a transmissible **spongiform encephalopathy** by a veterinarian: Weight loss despite retention of appetite; behavior abnormalities; pruritus (itching); wool pulling; biting at legs or side; lip smacking; motor abnormalities such as incoordination, high stepping gait of forelimbs, bunny hop movement of rear legs, or swaying of back end; increased sensitivity to noise and sudden movement; tremor,



``star gazing," head pressing, recumbency, or other signs of neurological disease or chronic wasting.

\* \* \* \* \*

Sec. 94.1 [Amended]

9. In Sec. 94.1, paragraph (b)(4) and the introductory text to paragraph (d) are amended by removing the reference to ``Sec. 94.21" each time it appears and adding in its place a reference to ``Sec. 94.22".

10. Section 94.18 is amended as follows:

a. In paragraph (a)(1), the word ``Canada," is removed.

b. Paragraph (a)(3) is redesignated as paragraph (a)(4) and newly redesignated paragraph (a)(4) is revised to read as set forth below.

c. A new paragraph (a)(3) is added, and paragraph (b) and the introductory text of paragraph (c) are revised, to read as set forth below.

d. In paragraph (d), the introductory text and paragraph (d)(3) are revised and a new paragraph (d)(5) is added to read as set forth below.

Sec. 94.18 Restrictions on importation of meat and edible products from ruminants due to **bovine spongiform encephalopathy**.

(a) \* \* \*

(3) The following are **minimal-risk regions** with regard to **bovine spongiform encephalopathy**: Canada.

(4) A region may request at any time that the Administrator consider its removal from a list in paragraphs (a)(1) or (a)(2) of this section, or its addition to or removal from the list in paragraph (a)(3) of this section, by following the procedures in part 92 of this subchapter.

(b) Except as provided in paragraph (d) of this section or in Sec. 94.19, the importation of meat, meat products, and edible products other than meat (except for gelatin as provided in paragraph (c) of this section, milk, and milk products) from ruminants that have been in any of the **regions** listed in paragraph (a) of this section is prohibited.

(c) Gelatin. The importation of gelatin derived from ruminants that have been in any region listed in paragraph (a) of this section is prohibited unless the following conditions or the conditions of Sec. 94.19(f) have been met:



\* \* \* \* \*

(d) Transit shipment of articles. Meat, meat products, and edible products other than meat that are prohibited importation into the United States in accordance with this section may transit air and ocean ports in the United States for immediate export if the conditions of paragraph (d)(1) through (d)(4) of this section are met. If such commodities are derived from bovines, sheep, or goats from a region listed in paragraph (a)(3) of this section, they are eligible to transit the United States by overland transportation if the requirements of paragraphs (d)(1) through (d)(5) of this section are met:

\* \* \* \* \*

(3) The person moving the articles must notify, in writing, the inspector at both the place in the United States where the articles will arrive and the port of export before such transit. The notification must include the:

\* \* \* \* \*

(5) The commodities must be eligible to enter the United States in accordance with Sec. 94.19 and must be accompanied by the certification required by that section. Additionally, the following conditions must be met:

- (i) The shipment must be exported from the United States within 7 days of its entry;
- (ii) The commodities must not be transloaded while in the United States;
- (iii) A copy of the import permit required under paragraph (d)(1) of this section must be presented to the inspector at the port of arrival and the port of export in the United States.

\* \* \* \* \*

Sec. Sec. 94.19 through 94.25 [Redesignated as Sec. Sec. 94.20 through 94.26]

11. Sections 94.19 through 94.24 are redesignated as Sec. Sec. 94.20 through 94.26, respectively.

12. A new Sec. 94.19 is added to read as follows:

Sec. 94.19 Restrictions on importation from BSE **minimal-risk regions** of meat and edible products from ruminants.

Except as provided in Sec. 94.18 and this section, the importation of meat, meat products, and edible products other than meat (excluding gelatin that meets the conditions of Sec. 94.18(c), milk, and milk products), from bovines, sheep, or goats that have been in any of the **regions** listed in Sec. 94.18(a)(3) is prohibited. The commodities listed in paragraphs (a) through (f) of this section may be imported from a



region listed in Sec. 94.18(a)(3) if the conditions of this section are met; if (except for commodities described in paragraph (e) of this section) the commodities are accompanied by an original certificate of such compliance issued by a full-time salaried veterinary officer of the national government of the region of origin, or issued by a veterinarian designated or accredited by the national government of the region of origin and endorsed by a full-time salaried veterinary officer of the national government of the region of origin, representing that the veterinarian issuing the certificate was authorized to do so; and if all other applicable requirements of this part are met.

(a) Meat, meat byproducts, and meat food products from bovines. The meat, meat byproduct, or meat food product, as defined by FSIS in 9 CFR 301.2--that those terms as applied to bison shall have a meaning comparable to those provided in 9 CFR 301.2 with respect to cattle, sheep, and goats--is derived from bovines that have been subject to a ruminant feed ban equivalent to the requirements established by the U.S. Food and Drug Administration at 21 CFR 589.2000 and meets the following conditions:

(1) The meat, meat byproduct, or meat food product is derived from bovines for which an air-injected stunning process was not used at slaughter; and

(2) The SRMs and small intestine of the bovines were removed at slaughter.

(b) Whole or half carcasses of bovines. The carcasses are derived from bovines for which an air-injected stunning process was not used at slaughter and that meet the following conditions:

(1) The bovines are subject to a ruminant feed ban equivalent to the requirements established by the U.S. Food and Drug Administration at 21 CFR 589.2000; and

(2) The SRMs and small intestine of the bovines were removed at slaughter.

(c) Meat, meat byproducts, and meat food products from sheep or goats or other ovines or caprines. The meat, meat byproduct, or meat food product, as defined by FSIS in 9 CFR 301.2, is derived from ovines or caprines that are from a flock or herd subject to a ruminant feed ban equivalent to the requirements established by the U.S. Food and Drug Administration at 21 CFR 589.2000, that were less than 12 months of age when slaughtered, and that meet the following conditions:

(1) The animals were slaughtered at a facility that either slaughters only sheep and/or goats or other ovines and caprines less than 12 months of age or complies with a segregation process approved by the national veterinary authority of the region of origin and the Administrator as adequate to prevent contamination or commingling of the meat with products not eligible for importation into the United States;



(2) The animals did not test positive for and were not suspect for a transmissible **spongiform encephalopathy**;

(3) The animals have not resided in a flock or herd that has been diagnosed with BSE; and

(4) The animals' movement is not restricted within Canada as a result of exposure to a transmissible **spongiform encephalopathy**.

(d) Carcasses of ovines and caprines. The carcasses are derived from ovines or caprines that are from a flock or herd subject to a ruminant feed ban equivalent to the requirements established by the U.S. Food and Drug Administration at 21 CFR 589.2000, that were less than 12 months of age when slaughtered, and that meet the following conditions:

(1) The animals were slaughtered at a facility that either slaughters only sheep and/or goats or other ovines and caprines less than 12 months of age or complies with a segregation process approved by the national veterinary authority of the region of origin and the Administrator as adequate to prevent contamination or commingling of the meat with products not eligible for importation into the United States;

(2) The animals did not test positive for and were not suspect for a transmissible **spongiform encephalopathy**;

(3) The animals have not resided in a flock or herd that has been diagnosed with BSE; and

(4) The animals' movement is not restricted within Canada as a result of exposure to a transmissible **spongiform encephalopathy**.

(e) Meat or dressed carcasses of hunter-harvested wild sheep, goats, or other ruminants other than cervids. The meat or dressed carcass (eviscerated and the head is removed) is derived from a wild sheep, goat, or other ruminant other than a cervid and meets the following conditions:

(1) The meat or dressed carcass is derived from an animal that has been legally harvested in the wild, as verified by proof such as a hunting license, tag, or the equivalent that the hunter must show to the United States Customs and Border Protection official; and

(2) The animal from which the meat is derived was harvested within a jurisdiction specified by the Administrator for which the game and wildlife service of the jurisdiction has informed the Administrator either that the jurisdiction conducts no type of game feeding program, or has complied with, and continues to comply with, a ruminant feed ban equivalent to the requirements established by the U.S. Food and Drug Administration at 21 CFR 589.2000.



(f) Gelatin other than that allowed importation under Sec. 94.18(c). The gelatin is derived from the bones of bovines subject to a ruminant feed ban equivalent to the requirements established by the U.S. Food and Drug Administration at 21 CFR 589.2000 and from which SRMs and small intestine were removed.

(g) Ports. All products to be brought into the United States under this section must, if arriving at a land border port, arrive at one of the following ports: Eastport, ID; Houlton, ME; Detroit (Ambassador Bridge), Port Huron, and Sault St. Marie, MI; International Falls, MN; Sweetgrass, MT; Alexandria Bay, Buffalo (Lewiston Bridge and Peace Bridge), and Champlain, NY; Pembina and Portal, ND; Derby Line and Highgate Springs, VT; and Blaine (Pacific Highway and Cargo Ops), Lynden, Oroville, and Sumas (Cargo), WA.

#### PART 95--SANITARY CONTROL OF ANIMAL BYPRODUCTS (EXCEPT CASINGS), AND HAY AND STRAW, OFFERED FOR ENTRY INTO THE UNITED STATES

13. The authority citation for part 95 continues to read as follows:

Authority: 7 U.S.C. 8301-8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

14. Section 95.1 is amended by revising the definition of inspector and adding new definitions of **bovine**, **bovine spongiform encephalopathy (BSE) minimal-risk** region, offal, positive for a transmissible **spongiform encephalopathy**, specified **risk** materials (SRMs), and suspect for a transmissible **spongiform encephalopathy**, in alphabetical order, to read as follows:

##### Sec. 95.1 Definitions.

\* \* \* \* \*

**Bovine.** Bos taurus, Bos indicus, and Bison bison.

**Bovine spongiform encephalopathy (BSE) minimal-risk** region. A region listed in Sec. 94.18(a)(3) of this subchapter.

\* \* \* \* \*

**Inspector.** Any individual authorized by the Administrator of APHIS or the Commissioner of Customs and Border Protection, Department of Homeland Security, to enforce the regulations in this part.

\* \* \* \* \*

**Offal.** The inedible parts of a butchered animal that are removed in dressing, consisting largely of the viscera and the trimmings, which may include, but are not limited to, brains, thymus, pancreas, liver, heart, kidney.



Positive for a transmissible **spongiform encephalopathy**. A sheep or goat for which a diagnosis of a transmissible **spongiform encephalopathy** has been made.

\* \* \* \* \*

Specified **risk** materials (SRMs). Those **bovine** parts considered to be at particular **risk** of containing the **bovine spongiform encephalopathy** (BSE) agent in infected animals, as listed in the FSIS regulations at 9 CFR 310.22(a).

Suspect for a transmissible **spongiform encephalopathy**. (1) A sheep or goat that has tested positive for a transmissible **spongiform encephalopathy** or for the proteinase resistant protein associated with a transmissible **spongiform encephalopathy**, unless the animal is designated as positive for a transmissible **spongiform encephalopathy**;  
or

(2) A sheep or goat that exhibits any of the following signs and that has been determined to be suspicious for a transmissible **spongiform encephalopathy** by a veterinarian: Weight loss despite retention of appetite; behavior abnormalities; pruritus (itching); wool pulling; biting at legs or side; lip smacking; motor abnormalities such as incoordination, high stepping gait of forelimbs, bunny hop movement of rear legs, or swaying of back end; increased sensitivity to noise and sudden movement; tremor, ``star gazing," head pressing, recumbency, or other signs of neurological disease or chronic wasting.

\* \* \* \* \*

15. Section 95.4 is amended as follows:

a. In paragraph (a) introductory text, the words ``paragraphs (c) through (f)" are removed and the words ``paragraphs (c) through (h)" are added in their place.

b. In paragraph (b), the words ``paragraphs (d) and (f)" are removed and the words ``paragraphs (d) and (h)" are added in their place.

c. In paragraph (c)(4), the first sentence is revised and a new sentence is added after the final sentence to read as set forth below.

d. Paragraph (c)(6) is revised to read as set forth below.

e. Paragraph (f) is redesignated as paragraph (h).

f. New paragraphs (f) and (g) are added to read as set forth below.

g. In newly redesignated paragraph (h), the introductory text, paragraph (h)(3) introductory text, and paragraph (h)(4) are revised to read as set forth below.



Sec. 95.4 Restrictions on the importation of processed animal protein, offal, tankage, fat, glands, certain tallow other than tallow derivatives, and serum due to **bovine spongiform encephalopathy**.

\* \* \* \* \*

(c) \* \* \*

(4) Except for facilities in **regions** listed in Sec. 94.18(a)(3) of this subchapter, if the facility processes or handles any material derived from mammals, the facility has entered into a cooperative service agreement executed by the operator of the facility and APHIS. \* \* \* In facilities in **regions** listed in Sec. 94.18(a)(3) of this subchapter, the inspections that would otherwise be conducted by APHIS must be conducted at least annually by a representative of the government agency responsible for animal health in the region.

\* \* \* \* \*

(6) Each shipment to the United States is accompanied by an original certificate signed by a full-time, salaried veterinarian of the government agency responsible for animal health in the region of origin certifying that the conditions of paragraph (c)(1) through (c)(3) of this section have been met, except that, for shipments of animal feed from a region listed in Sec. 94.18(a)(3) of this subchapter, the certificate may be signed by a person authorized to issue such certificates by the veterinary services of the national government of the region of origin.

\* \* \* \* \*

(f) Tallow otherwise prohibited importation under paragraph (a)(1) of this section may be imported into the United States if it meets the following conditions:

(1) The tallow is derived from bovines that have not been in a region listed in Sec. 94.18(a)(1) or (a)(2) of this subchapter;

(2) The tallow is composed of less than 0.15 percent insoluble impurities;

(3) After processing, the tallow was not exposed to or commingled with any other animal origin material; and

(4) Each shipment to the United States is accompanied by an original certificate signed by a full-time salaried veterinary officer of the national government of the region of origin, or issued by a veterinarian designated by or accredited by the national government of the region of origin and endorsed by a full-time salaried veterinary officer of the national government of the region of origin, representing that the veterinarian issuing the certificate was authorized to do so. The certificate must state that the requirements of paragraphs (f)(1) through (f)(3) of this section have been met; and



(5) The shipment, if arriving at a U.S. land border port, arrives at a port listed in Sec. 94.19(g) of this subchapter.

(g) Offal that is otherwise prohibited importation under paragraph (a)(1) of this section may be imported if the offal is derived from cervids or the offal is derived from bovines, ovines, or caprines from a region listed in Sec. 94.18(a)(3) of this subchapter that have not been in a region listed in Sec. 94.18(a)(1) or (a)(2) of this subchapter, and the following conditions are met:

(1) If the offal is derived from bovines, the offal:

(i) Contains no SRMs and is derived from bovines from which the SRMs and small intestine were removed;

(ii) Is derived from bovines for which an air-injected stunning process was not used at slaughter; and

(iii) Is derived from bovines that are subject to a ruminant feed ban equivalent to the requirements established by the U.S. Food and Drug Administration at 21 CFR 589.2000;

(2) If the offal is derived from ovines or caprines, the offal:

(i) Is derived from ovines or caprines that were less than 12 months of age when slaughtered and that are from a flock or herd subject to a ruminant feed ban equivalent to the requirements established by the U.S. Food and Drug Administration at 21 CFR 589.2000;

(ii) Is not derived from ovines or caprines that have tested positive for or are suspect for a transmissible **spongiform encephalopathy**;  
Is not derived from animals that have resided in a flock or herd that has been diagnosed with BSE; and

(iii) Is derived from ovines or caprines whose movement was not restricted in the BSE **minimal-risk** region as a result of exposure to a transmissible **spongiform encephalopathy**.

(3) Each shipment to the United States is accompanied by an original certificate signed by a full-time salaried veterinary officer of the national government of the region of origin, or issued by a veterinarian designated by or accredited by the national government of the region of origin and endorsed by a full-time salaried veterinary officer of the national government of the region of origin, representing that the veterinarian issuing the certificate was authorized to do so. The certificate must state that the requirements of paragraph (g)(1) or (g)(2) of this section have been met; and



(4) The shipment, if arriving at a U.S. land border port, arrives at a port listed in Sec. 94.19(g) of this subchapter.

(h) Transit shipment of articles. Articles that are prohibited importation into the United States in accordance with this section may transit air and ocean ports in the United States for immediate export if the conditions of paragraphs (h)(1) through (h)(3) of this section are met. If such commodities are derived from bovines, sheep, or goats from a region listed in Sec. 94.18(a)(3) of this subchapter, they are eligible to transit the United States by overland transportation if the requirements of paragraphs (h)(1) through (h)(4) of this section are met:

\* \* \* \* \*

(3) The person moving the articles notifies, in writing, the inspector at both the place in the United States where the articles will arrive and the port of export before such transit. The notification includes the following:

\* \* \* \* \*

(4) The articles are eligible to enter the United States in accordance with this section and are accompanied by the certification required by this section. Additionally, the following conditions must be met:

- (i) The shipment is exported from the United States within 7 days of its entry;
- (ii) The commodities are not transloaded while in the United States;

(iii) A copy of the import permit required under paragraph (h)(2) of this section is presented to the inspector at the port of arrival and the port of export in the United States.

\* \* \* \* \*

## PART 96--RESTRICTION OF IMPORTATIONS OF FOREIGN ANIMAL CASINGS OFFERED FOR ENTRY INTO THE UNITED STATES

16. The authority citation for part 96 continues to read as follows:

Authority: 7 U.S.C. 8301-8317; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.4.

17. In Sec. 96.1, a definition of authorized inspector is added in alphabetical order to read as follows:



Sec. 96.1 Definitions.

\* \* \* \* \*

Authorized inspector. Any individual authorized by the Administrator of APHIS or the Commissioner of Customs and Border Protection, Department of Homeland Security, to enforce the regulations in this subpart.

\* \* \* \* \*

18. In Sec. 96.2, paragraph (b) is revised to read as follows:

Sec. 96.2 Prohibition of casings due to African swine fever and **bovine spongiform encephalopathy**.

\* \* \* \* \*

(b) **Bovine** or other ruminant casings. The importation of casings, except stomachs, from bovines and other ruminants that originated in or were processed in any region listed in Sec. 94.18(a) this subchapter is prohibited, except that casings derived from sheep that were slaughtered in a region listed in Sec. 94.18(a)(3) of this subchapter at less than 12 months of age and that were from a flock subject to a ruminant feed ban equivalent to the requirements established by the U.S. Food and Drug Administration at 21 CFR 589.2000 may be imported, provided the casings are accompanied by a certificate that states that the casings were derived from sheep that met the conditions of this paragraph and that meets the following conditions:

(1) The certificate is written in English;

(2) The certificate is signed by an individual eligible to issue the certificate required under Sec. 96.3; and

(3) The certificate is presented to an authorized inspector at the port of arrival.

\* \* \* \* \*

19. In Sec. 96.3, a new paragraph (d) is added to read as follows:

Sec. 96.3 Certificate for Animal Casings.

\* \* \* \* \*



(d) In addition to meeting the other requirements of this section, the certificate accompanying sheep casings from a region listed in Sec. 94.18(a)(3) of this subchapter must state that the sheep from which the casings were derived were less than 12 months of age when slaughtered and were subject to a ruminant feed ban equivalent to the requirements established by the U.S. Food and Drug Administration at 21 CFR 589.2000.

\* \* \* \* \*

Done in Washington, DC, this 27th day of December 2004 .  
Bill Hawks,  
Under Secretary for Marketing and Regulatory Programs.  
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